

Message Text

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NSCE-00 SSO-00 USIE-00 INRE-00 AF-10 ARA-10 EA-10
EUR-12 NEA-10 /110 W
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 0251
AMEMBASSY DAR ES SALAAM IMMEDIATE
AMEMBASSY LUSAKA IMMEDIATE
AMEMBASSY PRETORIA IMMEDIATE
AMCONSUL CAPE TOWN IMMEDIATE
INFO AMEMBASSY BONN
AMEMBASSY LONDON
AMEMBASSY OTTAWA
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 03 USUN NEW YORK 01080

FOR EMBASSY CAPE TOWN

E.O. 11652:GDS
TAGS: PORG, SF, WA
SUBJECT: NAMIBIA: DRAFT TALKING POINTS FOR SWAPO

1. FOLLOWING IS US DRAFT TALKING POINTS FOR USE WITH
SWAPO ON THE REVISED PROPOSAL, SENT FOR YOUR COMMENTS.

FOR CAPE TOWN: PLEASE PASS TEXT TO CANADIAN EMBASSY.

2. TEXT FOLLOWS:

DRAFT TALKING POINTS FOR USE WITH SWAPO

THE FOLLOWING RESPOND TO SPECIFIC QUESTIONS RAISED BY THE
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PARTIES WITH RESPECT TO THE NAMIBIA SETTLEMENT PROPOSAL:
- A) PARAGRAPH 5: IT IS OUR HOPE THAT THE WORKING
RELATIONSHIP WHICH EVOLVES BETWEEN THE ADMINISTRATOR
GENERAL AND THE UN SPECIAL REPRESENTATIVE WILL BE A CLOSE
AND INFORMAL ONE -- ONE WHICH WILL ALLOW THEM TO DISCUSS
TOGETHER THE PURPOSE AND RAMIFICATIONS OF ANY ACTION
BEFORE THAT ACTION IS PUBLICLY UNDERTAKEN. SUCH AN

INFORMAL RELATIONSHIP WOULD AVOID PUBLIC AND POTENTIALLY DESTRUCTIVE DISPUTES. AT THE SAME TIME, WE BELIEVE THAT IT MUST BE CLEARLY UNDERSTOOD FROM THE OUTSET THAT THE SPECIAL REPRESENTATIVE MUST BE SATISFIED WITH ALL MEASURES AFFECTING THE POLITICAL PROCESS AT ALL LEVELS OF ADMINISTRATION BEFORE (EMPHASIZE THE WORD "BEFORE") THOSE MEASURES TAKE EFFECT. IN RESPONSE TO SWAPO'S CONCERNS IN THIS REGARD WE HAVE REWRITTEN THE SECOND SENTENCE IN PARAGRAPH FIVE TO MAKE THIS LATTER POINT EXPLICIT. IN ADDITION, IN ORDER TO MAKE CLEAR THAT THE SPECIAL REPRESENTATIVE'S ROLE IS NOT LIMITED TO REACTING TO IDEAS OF THE ADMINISTRATOR GENERAL, WE HAVE A SUBSEQUENT SENTENCE STATING THAT "THE SPECIAL REPRESENTATIVE MAY HIMSELF MAKE PROPOSALS IN REGARD TO ANY ASPECT OF THE POLITICAL PROCESS."

- B) PARAGRAPH 7(B): IN OUR ORIGINAL PROPOSAL WE STATED THAT "ANY DISPUTES CONCERNING THE RELEASE OF POLITICAL PRISONERS OR POLITICAL DETAINEES SHALL BE RESOLVED TO THE SATISFACTION OF THE SPECIAL REPRESENTATIVE". WITHOUT ALTERING THIS PROVISION, WE HAVE, IN THE REVISED PROPOSAL, ELABORATED ON THE DISPUTE MECHANISM PROCEDURE. AS OUR PROPOSAL IS NOW WRITTEN, SUCH DISPUTES WOULD BE RESOLVED TO THE SATISFACTION OF THE SPECIAL REPRESENTATIVE "ACTING ON THE INDEPENDENT ADVICE OF A JURIST OF INTERNATIONAL STANDING WHO SHALL BE DESIGNATED CONFIDENTIAL

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BY THE SECRETARY GENERAL TO BE LEGAL ADVISER TO THE SPECIAL REPRESENTATIVE". OUR INTENTION HERE WAS TO TAKE INTO ACCOUNT SOUTH AFRICA'S INSISTENCE ON THE INDEPENDENCE OF THE DISPUTE SETTLEMENT PROCEDURE WITHOUT ALTERING SWAPO'S VIEW (WHICH WE SHARE) THAT SUCH DISPUTES MUST BE RESOLVED TO THE SATISFACTION OF THE SPECIAL REPRESENTATIVE.

- C) PARAGRAPHS 8(A) AND 8(B): WE HAVE DELETED THE EARLIER REFERENCES TO UNITED NATIONS MONITORING. THE FIRST SENTENCE OF WHAT IS NOW PARA 6(E) ("A MILITARY SECTION OF UNTAG TO MAKE SURE THAT THE PROVISIONS OF THE AGREED SOLUTION WILL BE OBSERVED BY ALL PARTIES") IS A COMPREHENSIVE PROVISION DESIGNED TO INCLUDE: THE MONITORING OF THE CESSATION OF ALL HOSTILE ACTS, AND OF THE CONFINEMENT TO BASE OF THE RESIDUAL SOUTH AFRICAN FORCE; UN SUPERVISION OF THE ESTABLISHMENT OF DESIGNATED ENTRY POINTS ALONG THE BORDER TO ENSURE THE PEACEFUL RETURN OF SWAPO PERSONNEL TO NAMIBIA; AND THE GENERAL OBLIGATION LAID UPON THE SECRETARY GENERAL TO TAKE STEPS TO GUARANTEE AGAINST INTIMIDATION OR INTERFERENCE WITH THE ELECTORAL PROCESSES FROM WHATEVER QUARTER. COMPREHENSIVE UN MONITORING OF ALL ACTIVITY INSIDE NAMIBIA, AND THE THE

BORDER AREA, IS AN ESSENTIAL ELEMENT IN OUR PROPOSAL. WE ALSO DRAW YOUR ATTENTION TO THE DEFINITION OF UN RESPONSIBILITIES IN ITEM 3 OF THE ANNEX.

- D) PARAGRAPH 8(E): WE HAVE ADDED TWO SENTENCES. THE FIRST CONFIRMS WHAT WE TOLD PRESIDENT SAM NUJOMA IN NEW YORK LAST MONTH, NAMELY THAT THE FIVE WILL SUPPORT THE SECRETARY GENERAL'S JUDGMENT ON THE SIZE AND COMPOSITION OF THE UN MILITARY CONTINGENT. WHILE WE NATURALLY EXPECT ALL COUNTRIES TO CONTRIBUTE, ON THE USUAL ASSESSED BASIS, TO THE COSTS OF THE UN OPERATION, IT

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FOR EMBASSY CAPE TOWN

IS WORTH NOTING THAT OUR FIVE COUNTRIES TOGETHER CONTRIBUTE NEARLY 50 PERCENT OF THE UN BUDGET. OUR LAST SENTENCE REQUIRES THE SECRETARY GENERAL TO CONSULT ALL THOSE CONCERNED WITH THE IMPLEMENTATION OF THE AGREEMENT. THIS WOULD BE NORMAL PRACTICE FOR THE SECRETARY GENERAL. WE HAVE NOT TRIED TO SPECIFY WHO SHOULD BE CONSULTED, BUT CERTAINLY SWAPO AND SOUTH AFRICA (AND THE ADMINISTRATOR GENERAL) WOULD BE AMONG THEM. WE ARE OPPOSED TO ANY EFFORT BY EITHER SIDE TO PUT A FIGURE,

WHETHER PUBLIC OR PRIVATE, ON THE SIZE OF THE UN MILITARY CONTINGENT. THIS IS UP TO THE SECRETARY GENERAL, KEEPING IN MIND THE REQUIREMENTS OF THE TASK, AS WELL AS THE INEVITABLE POLITICAL AND FINANCIAL IMPLICATIONS OF HIS RECOMMENDATIONS.

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- E) PARAGRAPH 9: OUR ORIGINAL PROPOSAL CONTAINED PROVISIONS FOR ENSURING THE GOOD AND IMPARTIAL CONDUCT OF THE POLICE DURING THE TRANSITIONAL PERIOD; HOWEVER, IT DID NOT CONTAIN ANY RESTRICTION ON THE TYPE OF ARMS WHICH THE POLICE COULD CARRY. WE HAVE, THEREFORE, ADDED A SENTENCE TO THIS PARAGRAPH OF OUR PROPOSAL WHICH STATES: "THE POLICE FORCES WOULD BE LIMITED TO THE CARRYING OF SMALL ARMS IN THE NORMAL PERFORMANCE OF THEIR DUTIES."

- F) OUR ORIGINAL PROPOSAL CONTAINED A REFERENCE TO WALVIS BAY TO WHICH BOTH SWAPO AND SOUTH AFRICA OBJECTED AND BOTH PARTIES SUGGESTED THAT REFERENCE TO WALVIS BAY BE DELETED. WE HAVE DONE SO, NOT IN SUPPORT OF THE POSITION OF EITHER SIDE, BUT TO EMPHASIZE THAT WALVIS BAY NEED NOT BE A KEY ISSUE IN THE TRANSITION TO MAJORITY RULE IN NAMIBIA. WE CONTINUE TO BELIEVE THAT THE STATUS OF WALVIS BAY CAN BE CLARIFIED THROUGH NEGOTIATIONS BETWEEN SOUTH AFRICA AND THE FREELY-ELECTED NAMIBIAN AUTHORITIES. OUR PROPOSAL SIMPLY DECLINES TO ADDRESS THE ISSUE.

- G) SECTION 4 OF THE ANNEX OF OUR ORIGINAL PROPOSAL REQUIRED: "ALL ARMS (OTHER THAN PERSONAL), MILITARY EQUIPMENT, AND AMMUNITION POSSESSED BY MEMBERS OF CITIZEN FORCES AND COMMANDOS CONFINED TO DRILL HALLS UNDER UN SUPERVISION." DURING THE PROXIMITY TALKS SWAPO OBJECTED TO THE PROVISION THAT PERSONAL WEAPONS COULD BE RETAINED. IT IS OUR CONTINUING CONVICTION THAT NOTHING SHOULD BE INCLUDED IN OUR PROPOSAL WHICH IS UNENFORCEABLE; IT WAS FOR THAT REASON THAT WE EXPLICITLY EXCLUDED PERSONAL WEAPONS. IT WAS NEVER, HOWEVER, OUR INTENTION TO ENDORSE THE RETENTION OF ANY MILITARY WEAPONS BY MEMBERS OF

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CITIZEN FORCES AND COMMANDOS. WE HAVE, THEREFORE, REWRITTEN THIS PORTION OF SECTION 4 TO READ AS FOLLOWS: "ALL ARMS, MILITARY EQUIPMENT, AND AMMUNITION OF CITIZEN FORCES AND COMMANDOS CONFINED TO DRILL HALLS UNDER UN

SUPERVISION."

- H) IN OUR ORIGINAL PROPOSAL THE RELEASE OF POLITICAL PRISONER/DETAINEES WAS TO HAVE BEGUN WITHIN SIX WEEKS OF THE START OF THE TRANSITIONAL PERIOD AND TO HAVE BEEN COMPLETED WITHIN TWELVE WEEKS. IN THE REVISED PROPOSAL, TAKING NOTE OF SWAPO CONCERNS IN THIS REGARD, WE HAVE SPEEDED THIS PROCESS UP. THE RELEASE OF POLITICAL PRISONERS/DETAINEES WOULD NOW BEGIN AT THE START OF THE TRANSITIONAL PERIOD AND WOULD BE COMPLETED AS SOON AS POSSIBLE AND NO LATER THAN NINE WEEKS AFTER THE START OF THE TRANSITIONAL PERIOD.

CONTINGENCY TALKING POINTS:

- I) IF ASKED WHY THE SPECIFIC TERM "SUPER-VISION AND CONTROL" HAS BEEN REPLACED IN SENTENCE TWO OF PARAGRAPH 2:

- RESPONSE: WE UNDERSTAND THAT IT WILL SOLVE A PRESENTATIONAL CONCERN FOR THE SOUTH AFRICANS IF THE TERM "SUPERVISION AND CONTROL" IS NOT USED UNTIL PARAGRAPH 5 (SENTENCE TWO) WHERE IT IS CLEARLY DEFINED. THEREFORE, WE REFER NOW (IN SENTENCE TWO OF PARAGRAPH 2) TO AN "APPROPRIATE UNITED NATIONS ROLE IN ACCORDANCE WITH RESOLUTION 385". WE HAVE THUS MADE NO SUBSTANTIVE CHANGE -- ONLY A CHANGE IN LANGUAGE. TO US IT IS THE SUBSTANCE WHICH IS CRUCIAL AND THROUGHOUT OUR PROPOSAL IT IS CLEAR THAT THE UNITED NATIONS ROLE WILL BE ONE OF SUPERVISION AND CONTROL.

- J) IF ASKED ABOUT UN MONITORING OF SWAPO BASES:
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FOR EMBASSY CAPE TOWN

- RESPONSE: WE DO NOT BELIEVE THAT THE SWAPO PRESENCE INSIDE NAMIBIA CONSISTS OF BASES OR OTHER PERMANENT SITES SUSCEPTIBLE TO TROOP CONFINEMENT OR UN MONITORING. MOREOVER, WE EXPECT THAT MOST OF THE SWAPO CADRES WILL WISH TO PARTICIPATE IN THE ELECTION CAMPAIGN. THE MONITORING OF SWAPO BASES OUTSIDE OF NAMIBIA IS A MATTER FOR NEIGHBOURING COUNTRIES, AND OUR PROPOSAL IS CAREFUL TO AVOID TRESPASSING ON THEIR SOVEREIGNTY. WE DRAW YOUR ATTENTION, HOWEVER, TO PARAGRAPH 12 OF OUR PROPOSAL, IN PARTICULAR THE SUGGESTION THAT WAYS OF ENSURING TRANQUILITY IN THE BORDER AREA MIGHT SOMEHOW BE DEvised. BY THIS WE MEAN ARRANGEMENTS ON BOTH SIDES OF THE COMMON BORDER; WE WOULD EXPECT SWAPO TO ASSIST IN THE IMPLEMENTATION OF THIS ELEMENT OF THE SETTLEMENT BUT THESE CONFIDENTIAL

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WOULD NOT FORM AN INTEGRAL PART OF THE AGREEMENT.

TALKING POINTS UNRELATED TO TEXT OF PROPOSAL

-- IN ALL SUBSTANTIVE RESPECTS THIS REPRESENTS OUR BEST EFFORT AND OUR FINAL PROPOSAL.

-- WE BELIEVE OUR PROPOSAL IS GENERALLY PERCEIVED AS FAIR AND WE SUSPECT THAT SOUTH AFRICA HAS BEEN HOPING FOR A SWAPO REJECTION SO AS TO IMPLEMENT AN "INTERNAL SOLUTION" WHILE PROCLAIMING THEIR REASONABLENESS WITH RESPECT TO NEGOTIATIONS.

-- PRETORIA HAS ALREADY MADE MUCH OF EXCERPTS FROM PRESIDENT NUJOMA'S INTERVIEW ON SABC IN WHICH HE DIS-

COUNTED MAJORITY RULE AND OF THE SO-CALLED "SWAPO TAKEOVER PLAN."

-- OUR FIVE GOVERNMENTS BELIEVE THE REVISED PROPOSAL IS SUFFICIENTLY RESPONSIVE TO THE INTERESTS OF NAMIBIA THAT WE URGE YOUR PROMPT ACCEPTANCE, NOT ONLY TO FURTHER THE PROCESS TOWARDS GENUINE INDEPENDENCE IN NAMIBIA BUT TO MAKE IT CLEAR THAT SOUTH AFRICA, SHOULD IT THEN OPT FOR AN INTERNAL SOLUTION, IS IN FACT THE UNREASONABLE PARTY.

-- WE APPRECIATE THAT SWAPO MAY NEED TO STUDY OUR REVISED PROPOSAL BEFORE PROVIDING A FORMAL REACTION. HOWEVER, IN VIEW OF REPORTS THAT SOUTH AFRICA IS PREPARING TO TAKE FURTHER STEPS WHICH COULD LEAD TO AN INTERNAL SETTLEMENT, WE SUGGEST THAT SWAPO, IF IT FINDS THE PROPOSAL AT LEAST TENTATIVELY ACCEPTABLE, ISSUE PROMPTLY A FAVORABLE PUBLIC STATEMENT ON THE SUBJECT.
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